APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,433	08/25/2003	Walt Froloff	Emo2	4543

7590   03/08/2006

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/648,433	FROLOFF, WALT
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatlelid (US

Patent No. 6,522,333).

Regarding claim 1, Hatlelid et al. discloses system and method of communicating

emotive content comprising emotive vectors with associated text embedded in electronic device

[..a set of characteristic of the visual representing emotional contexts within which data can be to

be interpret; see col. 2, lines 1-35].

Regarding claim 2, Hatlelid et al. discloses comprising the encoding of emotive content

into standard computing device communication formats [..predefined categories to be for natural

processing of text; see col. 2, lines 38-64].

Regarding claim 3, Hatlelid et al. discloses comprising the encoding of the emotive content into textual communications [..an extrovert personality selection will generate behavioral movements which are dynamic and energetic; see col. 3, lines 6-18].

Regarding claim 4, Hatlelid et al. discloses comprising the decoding of emotive content in electronic communications bearing emotive vectors normalized to the communication's author [..gestures are provided to allow the user to emphasize text or emotions by having the visual representation animated; see col. 3, lines 27-45.]

Regarding claim 5, Hatlelid et al. discloses comprising parsing the emotive content into tokens for presentation and display of face glyph emotive representations with associated textual content on receiver computing device displays [..with selected behavioral characteristics to convey an emotional context portion of the utterance is to be interpreted by recipients; see 5, lines 13-40]

Regarding claim 6, Hatlelid et al. discloses comprising the tokenizing of the of speech of associated text and with the tokenized emotive content synthesizing author's intended meaning text strings [..communicated to the recipient through the behavioral movements of the visual representation ; see col. 7, lines 5-53].

Regarding claim 7, Hatlelid et al. discloses comprising the mapping of emotive intensity numerical value into one or more word text describing the emotive intensity value in express language which would qualify an associated emotive state with the intensity value [..the text communicated by the sender is analyzed for its content and behavioral movements associated with the content are selected, also responsive to the user's selected behavioral characteristics; see col. 7, lines 53-67 and col. 8, lines 1-21].

Regarding claim 8, Hatlelid et al. discloses further comprising the scanning and tokenizing of the embedded emotive content in the communications (see col. 8, lines 23-67).

Regarding claim 9, Hatlelid et al. discloses comprising parsing communications containing the emotive content using emotive grammar productions to tokenize the emotive content in textual communications (see col. 9, lines 21-54).

Regarding claim 10, Hatlelid et al. discloses comprising a method of encoding emotive vectors normalized to the author with associated text in electronic communications (see col. 9, lines 55-67).

Regarding claim 11, Hatlelid et al. discloses further comprising structuring and synthesizing emotive parsers with productions exploiting emotive vectors encoded in textual datastreams (see col. 10, lines 5-59).

As claims 12-16 are analyzed as previously discussed with respected to claims 1-11 above.

Regarding claims 17 and 18, Hatlelid et al. discloses a computer network comprising a plurality of computing devices connected by a network; said computing devices which display graphical and textual output, applications executing on the devices embedding emotive vectors which are representations of emotive states with associated author normalized emotive intensity [..to select a personality type for the visual representation and receives a mood intensity command the selects a mood intensity; see col. 11, lines 1-35]; assembling emotive content by associating emotive vectors with associated text in electronic communication [.. a written descriptions of the personalities type is placed in the text window and the view window; see col. 12, lines 55-67]; encoding emotive content by preserving association of emotive vectors with

associated text in the electronic communication, transmitting the communication with emotive

content to one or more receiver computing devices, parsing communication bearing emotive

content; [see col. 15, lines 1-50]; and mapping emotive vectors to face glyph representations

from a set of face glyphs, such that communications encoded with emotive content facilitate

exchange of precise emotive intelligence [to rule mappings each personality type has a lexicon

associated to it; see col. 5, lines 5-39]; displaying communication of textual with associated face

glyph emotive representations on said computing device displays; whereby senders can transmit

to receivers precise emotive content in communications [..text occur after the gesture the

application module determines whether the gesture requires a facial movement; see col. 21, lines

1-50].

Response to Arguments

Applicant's arguments filed on 12/15/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., emotive

vector are a software entity which have at least two distinct quantities..) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

On page 5 of the remark; Applicant argues that Hatlelid does not teach or suggest the user

behavioral selection. The Examiner respectfully disagrees. As shown in Figures 10A-10B,

Hatlelid teaches the personality setting box enables a user to select a personality type for use in

communication. The personality type selected by the user 100 will control the animated

behavioral movement of the user's visual representation, and is discussed in more detail below.

The videophone also provides a mood intensity control which allows the user to control the

animated mood of the visual representation to communicate more specific behavioral

information. The videophone provides a gesture button to invoke a gesture setting interface,

and a customize button is provided to allow the user to tailor the behavior of the visual

representation to the user's specifications, as recited in column 6, lines 13-26.

On page 6 of the remark; Applicant argues that Hatlelid does not teach or suggest

emotive content into standard computing device communication formats. The Examiner

respectfully disagrees. As shown in Figures 2-3A, Hatlelid teaches a method of communicating

data to a recipient concurrently with a behavioral movement in accordance with the present

invention. The user is provided a set of behavioral characteristics to select for the user's visual

representation. Behavioral characteristics include personality types, and mood settings.

The personality types include personalities such as "outgoing," "intellectual,"

"introverted," "athletic," or other similar types. The mood settings can adjust a personality from

being intensively aggressive to cheerful. The personality types are displayed after selecting the

personality box as shown in FIG. 7. The mood settings can be selected by the mood tool,

shown in FIG. 2 and described in more detail with respect to FIGS. 9a and 9b, as recited in

column 8, lines 38-60.

On page 7 of the remark; Applicant argues that Hatlelid does not teach or suggest

encoding of the emotive content into textual communications. The Examiner respectfully

disagrees. As shown in Figures 2-3A, Hatlelid teaches the videophone provides a behavioral

and textual communication tool to allow the user to communicate with other users. The box

provides an area in which the user can enter an utterance. The utterance can include text and specific, predefined behavioral commands, such as a gesture command such as "bow." These specific behavioral commands control the behavioral movements of the visual representation in accordance with the behavioral characteristics selected, as discussed below. A text history box is also used to display the history of the communication session, as recited in column. 6, lines 28-37.

On pages 8-9 of the remark; Applicant argues that Hatlelid does not teach or suggest the tokenizing of the of speech of associated text and with the tokenized emotive content synthesizing author's intended meaning text strings. The Examiner respectfully disagrees. As shown in Figures 4B-5, Hatlelid teaches the display of text can also be controlled by the selection of behavioral characteristics, such as personality settings, by behavioral commands such as gestures, or by the content of the data string, by examining the text for predefined phrases, or other indicators. For example, if a sender chooses an introverted personality with a depressed mood setting, the text is displayed in small plain font and at a slow rate. If an exclamation point is used, the sentence is displayed in all capital letters in a different color, such as red, to indicate excitement. Thus, this display of the text communicates the mood of the sender, providing the recipient with the emotional context with which to interpret the information. FIG. 5 is a flow chart illustrating communicating a behavioral movement responsive to alternate communication states. In these states, behavioral information is conveyed to a recipient without transmitting text data, there are three states: acting, listening, and fidgeting. For either talking or gesturing, the behavioral movement of a visual representation is a result of explicit actions by the user. For the listening state, whenever another

user is acting (talking or gesturing) the user's visual representation appears attentive; however,

the degree of attentiveness is a function of the personality type or other behavioral characteristic

selected by the user. How the visual representation acts in an idle state is therefore a function

of the behavioral characteristics selected by the user. Fidgeting can include having the visual

representation sway or blink, or perform more complicated animations reflective of the selected

behavioral characteristic such as cleaning the glass of the window 228 containing the visual

representation (if the personality type selected is, for example, a "comedian" personality), as

recited in column 10, lines 25-53].

On pages 10-13 of the remark; Applicant argues that Hatlelid does not teach or suggest

the a computer network comprising a plurality of computing devices connected by a network;

said computing devices which display graphical and textual output, applications executing on the

devices embedding emotive vectors which are representations of emotive states with associated

author normalized emotive intensity. The Examiner respectfully disagrees. As shown in Figures

2A-10B, Hatlelid teaches [..to select a personality type for the visual representation and receives

a mood intensity command the selects a mood intensity; see col. 11, lines 1-35]; assembling

emotive content by associating emotive vectors with associated text in electronic communication

[.. a written descriptions of the personalities type is placed in the text window and the view

window; see col. 12, lines 55-67]; encoding emotive content by preserving association of

emotive vectors with associated text in the electronic communication, transmitting the

communication with emotive content to one or more receiver computing devices, parsing

communication bearing emotive content; [see col. 15, lines 1-50]; and mapping emotive vectors

to face glyph representations from a set of face glyphs, such that communications encoded with

emotive content facilitate exchange of precise emotive intelligence [to rule mappings each

personality type has a lexicon associated to it; see col. 5, lines 5-39]; displaying communication

of textual with associated face glyph emotive representations on said computing device displays;

whereby senders can transmit to receivers precise emotive content in communications [..text

occur after the gesture the application module determines whether the gesture requires a facial

movement; see col. 21, lines 1-50].

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure (see PTO-892).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

03/02/06